



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: TED 8.3

EFFECTIVE DATE: January 4, 2002

SUBJECT: Policies and Procedures Manual for Special Government Employee (SGE) activity conducted under the auspices of the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Program

ABSTRACT

Purpose: This instruction describes and implements the policies and procedures governing the administration and operation of Special Government Employee activity conducted under the auspices of OSHA's VPP.

Scope: OSHA-wide

References: Voluntary Protection Program Policies and Procedures Manual (TED 8.1a)

Cancellation: "Federal and State Guidelines for the use of OSHA Volunteers to Assist in Performing VPP Onsite Reviews," Paula O. White memorandum to State Designees on February 25, 1998.

State Impact: This instruction describes a Federal Program Change for which State adoption is not required.

Action Offices: National and Regional Offices

Originating Office: Directorate of Federal-State Operations

Contact: Directorate of Federal-State Operations (DFSO)
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Approval: By and Under the Authority of
John L. Henshaw
Assistant Secretary

Major Changes:

This manual implements policies and procedures for Special Government Employee (SGE) activity conducted under the auspices of the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Program (VPP). It provides the overall policy framework for Special Government Employee (SGE) activity and revises and clarifies the requirements to apply, receive training, and participate in the activities. The major changes are:

- State Plan States must sign a Memorandum of Understanding (MOU) with Federal OSHA if they wish to use Federal SGEs at State Plan State VPP sites.
- State Plan State VPP Managers wishing to use a federally trained SGE must follow the same procedures as other VPP Managers. These procedures can be found in Chapter 4.
- Individuals must complete and submit an application to participate as an SGE. SGEs must re-apply at the end of their term of service in order to continue participating. Renewal applications must be sent to SGEs during the application period prior to the expiration of their service.
- Applications to participate as a Special Government Employee (SGE) must be processed four times per year. Applications must be received in the Office of Cooperative Programs on or before January 15, April 15, July 15, or October 15 of each year. If the deadline falls on a weekend or a Federal holiday, applications are due on the first Federal business day following the deadline. Late applications are held until the next submission deadline.
- All new applicants must attend training. A new Special Government Employee (SGE) application must be approved by the OSHA Personnel Office before the applicant may be approved to attend training. Successful applicants must be notified by a **representative from the Office of Cooperative Programs regarding the date and location of training.**
- The term of service for Special Government Employee (SGE) is three years. SGE's serve at the pleasure of the Assistant Secretary for Occupational Safety and Health. Service is contingent upon the proper conduct of SGEs. The term of service for new SGEs begins the day the oath of office is administered. The term of service for renewing SGEs is calculated from the approval date of their application.
- Approved and trained SGEs are eligible to assist with VPP onsite evaluations from the day they take the oath of office until the end of their term of service. An SGE becomes ineligible upon the day that he or she leaves the employment of a VPP company or upon the day that company no longer retains VPP status.
- The Director of Federal-State Operations or his or her designee must disqualify those applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.

Executive Summary:

This manual implements policies and procedures for Special Government Employee (SGE) activities and provides the overall policy framework for SGEs activities. This manual revises the requirements to apply, receive training and participate in SGE activities, and clarifies the terms of service for Special Government Employees.

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Chapter 1

Introduction

- I. Purpose. This instruction describes and implements the policies and procedures governing the administration and operation for OSHA's Special Government Employees activities.
- II. Scope. OSHA-wide
- III. References.
 - A. Voluntary Protection Program Policies and Procedures Manual (TED 8.1a)
- IV. Cancellations.
 - A. "Federal and State Guidelines for the use of OSHA Volunteers to Assist in Performing VPP Onsite Reviews," Paula O. White memorandum to State Designees on February 25, 1998.
- V. Major Changes.
 - A. State Plan State Participation. A State Plan State must sign a Memorandum of Understanding (MOU) with Federal OSHA if they wish to use Federal SGEs at VPP sites in a State Plan State.
 - B. Soliciting Assistance from SGEs. State Plan State VPP Managers wishing to use a federally trained SGE must follow the same procedures as other VPP Managers. These procedures can be found in Chapter 4.
 - C. Application Requirement. Individuals must complete and submit an application to participate as a Special Government Employee. SGEs must re-apply at the end of their term of service in order to continue participating. Renewal applications must be sent to SGEs during the application period prior to the expiration of their service.
 - D. Application Deadline. Applications to participate as a Special Government Employee must be processed four times per year. Applications must be received in the Office of Cooperative Programs on or before January 15, April 15, July 15, or October 15 of each year. If the deadline falls on a weekend or a Federal holiday, applications are due on the first Federal business day following the deadline. Late applications are held until the next submission deadline.

- E. Training Requirement. All new applicants must attend training. A Special Government Employee application must be approved by the OSHA Personnel Office before the applicant may be approved to attend training. Successful applicants must be notified by a representative from the Office of Cooperative Programs regarding the date and location of training.
 - F. Term of Service. All SGEs are initially appointed to a three-year term of service. SGEs serve at the pleasure of the Assistant Secretary for Occupational Safety and Health. Service is contingent upon the proper conduct of SGEs. The term of service for new SGEs begins the day the oath of office is administered. The term of service for renewing SGEs is calculated from the approval date of their application.
 - G. SGE's Eligibility. Approved and trained SGEs are eligible to assist with VPP onsite evaluations from the day they take the oath of office until the end of their term of service. However, an SGE becomes ineligible upon the day that he or she leaves the employment of a VPP company or upon the day that company no longer retains VPP status.
 - H. Ineligible Applicants. The Director of Federal-State Operations or his or her designee must disqualify those applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.
- VI. Federal Program Change. This Instruction describes a Federal Program Change for which adoption is not required. However States that wish to use Federally-approved SGEs as members of VPP onsite review teams must enter into a Memorandum of Understanding (MOU) with Federal OSHA. See Appendix B for the approved Memorandum of Understanding.
- VII. Action Information.
- A. OSHA National Office.
 - 1. Directorate of Federal-State Operations. The Directorate of Federal-State Operations (FSO), through the Office of Cooperative Programs (OCP), Division of Voluntary Programs, is responsible for the nationwide coordination and administrative oversight of Special Government Employee activities. OCP is responsible for establishing the policies and procedures that govern the operation, monitoring, and evaluation of Special Government Employee activities. This Policies and Procedures Manual is the program's principal policy guidance document for SGE activity. The Division of Voluntary Programs is also responsible for providing Voluntary Protection Program support and assistance to the

Regions, States, and participants.

2. Directorate of Administrative Programs. The Directorate of Administrative Programs, through the Office of Personnel, is responsible for processing applications and submitting the application to the Executive Secretariat for final approval within four weeks of receipt from the Office of Cooperative Programs.
- B. OSHA Regional Offices. OSHA VPP Managers are responsible for contacting, recruiting, and encouraging interested VPP site employees to become SGEs, facilitating the oath of office ceremony for new renewing SGEs, scheduling SGE participation, requesting approval for SGE utilization from the SGE Coordinator, and submitting monthly reports to the National Office.
- C. States. States Plan States may choose to utilize Federally-approved SGEs to serve as members of a VPP onsite review team within the State. Qualified individuals from approved VPP sites in State Plan States may apply and be approved as SGEs through the Occupational Safety and Health Administration (OSHA).

In order to utilize SGEs, a State Plan State must sign a Memorandum of Understanding (MOU) with Federal OSHA accepting liability for SGEs while they serve in that State. A State may establish its own SGE activities, independent of OSHA, for training SGEs from VPP sites within the State to serve as members of a state VPP onsite review team.

VIII. A Brief History of the SGE Activity in OSHA.

- A. SGE activities were established in 1994 in order to leverage OSHA's limited resources by utilizing private sector safety and health professionals during VPP onsite evaluations.
- B. An SGE serves in the capacity of a Federal volunteer while he or she is assisting OSHA personnel during onsite evaluations. While at an onsite evaluation, an SGE is held to the same ethical and legal standards as a Federal or state government employee.

IX. How SGE Activities are Administered. SGE activities are administered in partnership between the Directorate of Federal-State Operations-Office of Cooperative Programs (OCP) and the VPP Managers.

- A. Office of Cooperative Programs. The SGE Coordinator receives and processes SGE applications, coordinates quarterly training sessions with Regional staff, evaluates and approves requests for SGE usage, and conducts oversight of SGE

activities. The SGE Coordinator provides administrative and programmatic support to SGEs during the application, training, and re-application process; provides quarterly updates of approved SGEs and their contact information; and collects monthly data on SGE usage.

- B. VPP Managers. VPP Managers coordinate with SGEs to secure assistance at onsite evaluations, request approval for SGE participation, help renewed SGEs, coordinate administration of the oath of office, and reporting monthly SGE usage to OCP.

X. Definitions.

- A. Application Deadline. The quarterly deadline by which the SGE Application must be received in the Office of Cooperative Programs in order for it to be processed and the applicant considered for participation.
- B. Assistant Secretary. The Assistant Secretary of Labor for Occupational Safety and Health.
- C. New SGE. An individual who has not previously applied to participate as an SGE or who has experienced a lapse of service of more than one year.
- D. Oath of Office. The oath required of all employees who enter Federal service.
- E. Renewing SGE. An individual who is presently serving as an SGE or who is re-applying after a lapse of service of less than one year.
- F. Safety and Health Professional. An individual employed in a position in which more than 50% of daily duties are dedicated to conducting or managing worksite or corporate safety or health activities.
- G. Term of Service. The length of time (usually three years) that an individual may serve as an SGE before they must re-apply to continue participation.
- H. Special Government Employee. A permanent, full-time employee of a VPP Star or Merit site (not an employee of a contractor or nested contractor), or of an equivalent VPP site in an OSHA-approved State Plan State, who meets the participation requirements established by OSHA and acts in the capacity of a Federal volunteer while assisting Federal or State Plan State OSHA staff in conducting VPP onsite evaluations.
- I. Special Government Employee Usage Request. The written request asking for approval to use a specific SGE at a specific onsite evaluation(s).

- J. Special Government Employee Application. The information and forms that must be submitted to the Office of Cooperative Programs in order for an individual to be considered for participation as an SGE.
- K. Special Government Employee Coordinator. The Office of Cooperative Programs staff member responsible for coordinating and managing the Federal volunteer activities.
- L. Special Government Employee Training. The pre-requisite training course for participation as a Federal volunteer.

Chapter 2

SGE Qualifications and Application Process

I. SGE Qualifications.

A. Qualifications for All SGEs. All SGEs must have the following qualifications:

1. Experience applying OSHA regulations
2. Experience (currently or within the previous 2 years) in a leadership position(s) in the VPP at the applicant's worksite or corporation
3. Strong interpersonal skills
4. Sound reading and writing skills
5. Physical ability to perform team member's duties
6. Management or corporate support for participating as an SGE

B. Qualifications for Safety and Health Professionals. Safety and health professionals must have these additional qualifications:

1. Have two or more years of experience in the safety and health field
2. Be employed in a position in which more than 50% of daily duties are dedicated to conducting or managing worksite or corporate safety or health activities.
3. Be a current employee of a Federal or State Plan State VPP worksite, a current corporate office employee of a corporation that has one or more VPP worksites, or a current employee of a non-VPP worksite who was previously an employee at a VPP worksite within the same corporation

C. Qualifications for Other SGE Applicants. SGEs need not be safety and health professionals. They may be hourly employees or individuals who have several years of experience implementing effective safety and health systems. Besides meeting the qualifications above, these applicants must also have the following qualifications:

1. Be a current employee of a VPP worksite who has worked at a VPP site for a minimum of two (2) years
2. During that minimum two year period, have experience in at least three (3) of the following activities (or their equivalents):
 - a. Chairing a worksite safety/health committee

- b. Working directly with the OSHA VPP onsite review team during the previous onsite review
 - c. Training others in safety and health procedures
 - d. Writing and reviewing Job Safety Analyses (JSAs) and/or Behavioral Job Analyses (BJAs)
 - e. Coordinating accident investigations
 - f. Coordinating proactive safety and health activities such as wellness days
 - g. Leading worksite hazard inspection teams
 - h. Coordinating hazard abatement activities
 - i. Other experience that demonstrates a knowledge of safety and health management systems
- D. Ineligible Applicants. The Director of Federal-State Operations or his or her designee must disqualify from eligibility those applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.

II. SGE Application Process.

- A. Application Cycle and Submission Deadlines. Applications to participate as an SGE must be processed four times per year. Applications must be received in the Office of Cooperative Programs on or before January 15, April 15, July 15 or October 15 of each year. If the deadline falls on a weekend or a Federal holiday, applications are due on the first Federal business day following the deadline. Late applications are held until the next submission deadline.
- B. Required Application Forms. All forms in the SGE Application must be completed in order for the application to be processed. See Appendix D for the SGE Application. If the application is not complete, the SGE Coordinator must notify the applicant and secure the missing information. It is the applicant's responsibility to return the corrected information prior to the deadline. If the corrected application is not received by the deadline the application is held until the next application deadline. The required application forms are:

1. Eligibility Information Sheet
2. Request for Name Check
3. Optional Application for Federal Employment (or current Resume)
4. Confidential Financial Disclosure Sheet
5. Waiver of Claims Against the Government

If, at any time during an individual's application term of service as an SGE, it is discovered that an applicant knowingly withheld information or provided information that was untrue, that individual's participation as an SGE must be terminated.

- C. Ethics Documents. The SGE Application package includes two documents that describe the ethics requirements for SGEs.

Chapter 3

SGE Training, Oath of Office and Terms of Service

I. SGE Training.

- A. Eligible Trainees. Priority for attending SGE training goes to private sector employees who meet the required SGE qualifications outlined in Chapter 2, have submitted an application by the quarterly deadline, have been approved by the OSHA Office of Personnel, and have been invited to attend training by the Director, Office of Cooperative Programs. Municipal, State, and Federal government employees may attend SGE training only after all private sector employees' training needs have been met for the quarter.
- B. Training Notification. The SGE Coordinator must send applicants written notice of where to report for training no later than nine (9) weeks after the application deadline. Renewing SGEs need not attend SGE training unless notified by the SGE Coordinator.
- C. Training Frequency. SGE training is conducted each quarter unless there are fewer than 15 trainees, in which case training is postponed until the next scheduled training period. The total number of trainees in any one session may not exceed 25 unless approved by the Director, Office of Cooperative Programs. If more than 25 applicants require training within one quarter, the applicants must be accommodated on a first-come, first-served basis.
- D. Training Responsibilities. The SGE Coordinator has primary responsibility for organizing this training, with assistance from a VPP Manager. Instructors must be identified based on the needs of the trainees and the geographic location of the training. The lead instructor may request assistance from experienced SGEs, Compliance Safety and Health Officers (CSHOs), Compliance Assistance Specialists, Consultation staff, Regional or Local VPPPA Chapter members, or other knowledgeable persons.
- E. Training Content. Training content must be determined by the Director, Office of Cooperative Programs, with assistance from VPP Managers. Modifications to the training content must be approved by the Director, Office of Cooperative Programs before being implemented.

- II. Oath of Office. SGEs may not participate on an onsite evaluation until they have taken the Federal oath of office administered by an OSHA appointing official empowered by the head of the agency under the authority of 5 U.S.C. 2903. OSHA appointing officials include the Assistant Secretary, Deputy Assistant Secretaries, Regional Administrators, Heads of Directorates, Director of the Office of Cooperative Programs, Office of the Assistant Secretary for Administration and Management (OASAM) Regional Personnel Officers, and Area Directors, or a designated deputy who is temporarily acting for one of the officials listed above.
- A. Oath of Office for New SGEs. The oath of office must be administered to new SGEs on the last day of training. The VPP Manager is responsible for organizing and securing an appointing official to administer the oath of office.
- B. Oath of Office for Renewing SGEs. The VPP Manager is responsible for coordinating a suitable time and place for an appointing official to administer the oath of office to renewing SGEs.
- C. Appointment Procedures. Each individual may elect either to “swear” or “affirm” the oath of office. An American flag must be present. The appointing official must meet the qualifications as described above.
1. The appointing official must ascertain if the appointee elects to swear or affirm to this affidavit. If the individual wishes to affirm the oath, then the words “So help me God” in the oath and the word “swear” should be stricken wherever these words appear. Only these words may be stricken and only when the appointee elects to affirm the affidavit.
 2. The appointing official must ask all persons present to rise for the administration of the oath of office. The appointing official must stand facing the appointee(s) with the American flag between them and instruct the appointee(s) to raise his or her right hand. The appointing official must read the oath of office in short phrases, waiting for the appointee to repeat each phrase before proceeding to the next.
 3. When the administration of the oath of office is complete, the appointing official must complete and sign the appointment. The position of appointment must be “Special Government Employee.”
- D. SGE Appointment Affidavits. An Appointment Affidavits (SF-61) must be completed for each SGE who takes the oath of office. The SGE and the appointing official must both sign the form after the oath of office has been administered. (A copy of the Appointment Affidavits (SF-61) may be downloaded from the Internet at: <http://www.opm.gov/forms/html/sf.htm>.)

After the Appointment Affidavits has been signed by both parties, the VPP Manager or the appointing official is responsible for sending the original signed appointment affidavits to:

OSHA Office of Personnel
ATTN: SGE Officer
Frances Perkins Bldg., Room N 3308
200 Constitution Ave., NW
Washington, D.C. 20210

- III. SGE Term of Service. All SGEs are initially appointed to a three-year term of service. SGEs serve at the pleasure of the Assistant Secretary for Occupational Safety and Health. Service as an SGE is contingent upon proper ethical conduct.
- A. New SGEs. The term of service for new SGEs must be calculated from the date that they successfully complete SGE training and take the oath of office.
 - B. Renewing SGEs. The term of service for renewing SGEs must be calculated from the date their application is approved by the Office of Personnel.
 - C. Termination of Service. Service as an SGE must be terminated without notice by the Agency if the conditions in Chapter 2 of this Policies and Procedures Manual under which the SGE was originally appointed no longer apply. If the OSHA or State Plan State team leader has evidence of, or determines that an SGE is not conducting himself or herself in a proper manner during a VPP onsite evaluation, they must ask the SGE to leave the worksite immediately. The VPP Regional Manager, Regional VPP Officer, or State Plan State VPP Manager must provide information about the incident to the Director of Federal-State Operations and recommend that the SGE's term of service be terminated.
 - D. SGE Duties. SGEs function as members of a VPP onsite team. SGE assignments may include, but are not limited to, the following activities:
 - 1. Reviewing company documents that describe or verify the worksite's safety and health management system
 - 2. Conducting a walkaround of the worksite to ensure the site's safety and health management system is operating effectively
 - 3. Interviewing employees of the company and contractors to determine their level of involvement in and perceptions of the worksite's safety and health management system

4. Assisting in the preparation of a report that evaluates the worksite's safety and health management system with respect to VPP criteria

Chapter 4

SGE Utilization and Reporting

I. Utilization of SGEs.

- A. Soliciting Assistance from SGEs. VPP Managers, VPP Officers and State Plan State VPP Managers must solicit assistance from SGEs directly.
1. Soliciting Approved SGEs. Only those individuals listed on the Report of Approved SGEs may be solicited. Once an SGE has agreed to participate in the onsite review, the VPP Manager, VPP Officer, or State Plan State VPP Manager must request permission from the SGE Coordinator to utilize that SGE.
 2. Site Concurrence in Utilizing SGEs. The VPP Manager, VPP Officer, or State Plan State VPP Manager must inform the employer that an SGE will be used as a member of the VPP onsite team and the employer must agree with this arrangement.
- B. Composition of OSHA or State Plan State Review Team. VPP Onsite Evaluation Teams must include at least one full-time OSHA or State employee serving in the capacity of Team Leader. SGEs may not outnumber full-time OSHA or State employees as members of a VPP Onsite Evaluation Team by more than one (1).

Additionally, SGEs may not serve as Team Leaders or Backup Team Leaders. If a full-time OSHA or State Employee is unable to serve as Team Leader, the VPP Onsite Evaluation must be postponed.

Acceptable VPP Onsite Evaluation Team Configurations

If A VPP Onsite Evaluation Team Includes	Then
1 full-time OSHA or State employee	up to 2 SGEs may be on Team.
2 full-time OSHA or State employees	up to 3 SGEs may be on Team.
3 full-time OSHA or State employees	up to 4 SGEs may be on Team.
4 full-time OSHA or State employees	up to 5 SGEs may be on Team.

- C. Requesting an SGE. Requests for SGEs must be submitted to the SGE Coordinator no later than four weeks prior to the scheduled onsite evaluation.

Late requests may be approved on a case-by-case basis. Requests must be e-mailed. Requests must include the following information:

1. The full name and company of the SGE requested
2. The company name, city, and state of the worksite that is being evaluated
3. The date and expected duration of the onsite evaluation

D. Approval and Notification.

1. The SGE Coordinator reviews requests for SGEs and approves or denies those requests. The SGE Coordinator may deny a request for an SGE based on the following criteria:
 - a. Information in the request is incomplete
 - b. The requested SGE is not yet approved, or his or her term of service has expired
 - c. Participation of the requested SGE at the scheduled worksite is considered to be a financial conflict of interest or presents the appearance of impropriety
2. The SGE Coordinator must respond to a Request for an SGE via e-mail. If a request is denied, the SGE Coordinator must make a reasonable attempt to assist Regional or State Plan State staff in finding a replacement SGE in time for the evaluation.

II. SGE Utilization Reports.

- A. National Office Reports. Reports issued by the National Office are sent to the VPP Managers and copied to the Chief of Voluntary Programs and the Director of the Office of Cooperative Programs.
1. Report of Approved SGEs. This report lists all available approved SGEs and is provided to the VPP Managers on a quarterly basis.
 2. Annual Usage Report. This report lists all SGEs that were utilized during the previous fiscal year. It is provided to the VPP Managers by December 1st of each year.

- B. Regional Office Reports. VPP Managers must submit a Monthly SGE Utilization Report to the SGE Coordinator by the fifteenth of the following month. This report must include all SGEs utilized in the Region by Federal OSHA and State Plan States. See Appendix A for a sample Monthly Report. In months where SGEs are not utilized, no report is required to be submitted.

Chapter 5

Application Processing and Program Administration

I. Application Processing.

- A. Receipt of Applications. The SGE Coordinator is responsible for tracking and managing each SGE's application from the time it is received until the SGE has taken the oath of office. When an application is received, the SGE Coordinator must date stamp it, determine whether the required information is included, and file it in the appropriate application file.

1. Evaluating the Application. The application must contain the following completed forms:

- a. Eligibility Information Sheet
- b. Request for Name Check (DL Form 1-68)
- c. Optional Application for Federal Employment (OF-612) or Resume
- d. Confidential Financial Disclosure Report (OGE-450)
- e. Waiver of Claims Against the Government

The SGE Coordinator must verify that Section 8 (Work Experience) of the applicant's Optional Application for Federal Employment (Form OF-612) or their Resume contains position-specific safety and health experience. If the OF-612 or the resume does not include position-specific information, the SGE Coordinator must contact the applicant and request that they send information that satisfies this requirement.

2. Verifying all Required Signatures and Social Security Number (SSN). The Applicant must sign and date the Optional Application for Federal Employment (OF-612), the Confidential Financial Disclosure Report (OGE-450) and the Waiver of Claims Against the Government. If an applicant does not sign one of these forms, the SGE Coordinator must receive, at a minimum, a fax or photocopy of a signed original. The applicant must provide their SSN. If the applicant does not provide their SSN, the SGE Coordinator must contact the individual, secure the SSN and record it on the OF-612 or on their resume.

B. Preparing the Application Submission Package.

1. Confidential Financial Disclosure Report. The SGE Coordinator must separate the Confidential Financial Disclosure Report (OGE-450) from the

rest of the application. This information is confidential and must not be submitted to the Office of Personnel or discussed with any other staff member.

2. Application Processing (SF-52) Checklist. The SGE Coordinator must print the Application Processing (SF-52) Checklist, located on the DFSO server at: *Q:\fso\VPPDATA\SGE\SGE s Streamlining Project\Application Processing (SF-52) Checklist.wpd* and complete the checklist, verifying that all forms are attached.
 3. Consolidate the Application Submission Package. After verifying that all forms are completed and attached to the Application Processing (SF-52) Checklist, the SGE Coordinator must sign and date the form, make one photocopy, and submit the application submission package to the FSO Office Manager for processing.
 4. Obtain Signatures for the Application Submission Package. After the SF-52 has been completed by the FSO Office Manager, the SGE Coordinator must obtain signatures from the Director of the Office of Cooperative Programs and the Director of Federal-State Operations.
 5. File the Completed Application Submission Package. After the SF-52 has been signed, the SGE Coordinator must attach the Confidential Financial Disclosure Report (OGE-450) to the original application packet, attach these documents to the completed application submission package, and file the entire package in the corresponding quarterly submission file until the application deadline date.
- C. Transmitting Completed Application Submission Packages to the Office of Personnel. The SGE Coordinator must transmit all the completed application submission packages as soon after the application deadline as possible. See Appendix C, page C-1, for the memorandum for transmitting the packages. The memorandum must include the full name of each applicant submitted.
- D. Notification of Application Receipt and Processing. As soon as the application submission packages are transmitted to the Office of Personnel, the SGE Coordinator must notify all applicants via e-mail that their applications have been submitted. See Appendix C, page C-2, for the e-mail for notifying applicants. The SGE Coordinator must also provide the applicants with the location and dates of training.
- E. Providing Approval Notification and Training Invitation to all Prospective SGEs. When the approved application packages are returned from the OSHA Office of Personnel, the SGE Coordinator must notify the approved new SGEs and invite

them to attend training. See Appendix C, page C-3, for the letter for approval notification and training invitation. The SGE Coordinator must send the renewing SGE the appointment notification letter described in the paragraph below.

- F. Preparing SGE Training Certificates and Appointment Affidavits. The SGE Coordinator must, with the assistance of the FSO Office Manager, prepare the SGE training certificates. After the certificates are prepared, the SGE Coordinator must transmit them to CCU in preparation for being signed by the Assistant Secretary of Labor. See Appendix C, page C-4, for the training certificate transmittal memorandum. The SGE Coordinator must also prepare appointment affidavits for each prospective SGE. Signed training certificates and appointment affidavits must be completed prior to the beginning of training and must be sent to the training site with the designated National Office trainer.
- G. Appointment Notification and CEO Thank You Letters. The SGE Coordinator must send the appointment notification letter to renewing SGEs and prospective SGEs ten days after approval. If the SGE applicant indicated that a CEO thank you letter should be sent, the SGE Coordinator must send one within 15 working days after the appointment notification letter. See Appendix C, pages C-5 and C-6, for the appointment notification letter and the CEO thank you letter.

II. SGE Program Administration.

- A. Re-Application by SGEs. The SGE term of service is three years. Four to six months before an SGE's term of service expires, the SGE Coordinator must send the SGE a re-application package. The re-application process is identical to the original application process detailed in Chapter 2. See Appendix C, page C-7, for the SGE re-application letter.
- B. Customer Service to SGE Applicants. The SGE Coordinator's most important responsibility is customer service. Each SGE applicant must be treated as an individual and as a vital Agency resource. The SGE Coordinator must be responsive to all inquiries regarding the SGE Program, even if the end result is that the enquiring individual is not qualified to participate in the program.
- C. Customer Service to and VPP Managers/Officers. The SGE Coordinator must be responsive to VPP Managers/Officers and respond to requests for SGEs within ten working days after receipt.
- D. Customer Service to Office of Personnel. The SGE Coordinator must work closely with the Office of Personnel. The SGE Coordinator must assist with verifying application information and contacting the applicants if additional experience or other data is necessary to process and approve the application.
- E. SGE Data Management.

1. Contact and Experience Data. The SGE Coordinator must enter all of the data from each Application Submission Package into the SGE Coordinator database before it is transmitted to the Office of Personnel.
 2. SGE E-mail Addresses. After each prospective SGE has been approved and taken the oath of office, the SGE Coordinator must submit their e-mail addresses to the Office of Management Data Systems to be added to the SGE e-mail listing. If an SGE no longer meets the SGE Qualifications, the SGE Coordinator must immediately remove his or her name and e-mail address from the e-mail listing. The SGE Coordinator must test the e-mail distribution list at least twice per year to determine that all of the addresses are accurate.
 3. Modifications to SGE E-mail Addresses. It is the responsibility of the SGE to provide the SGE Coordinator with any modifications to his or her e-mail address in a timely manner.
 4. Failure to Notify the SGE Coordinator of E-Mail Changes. If the SGE Coordinator attempts to contact an SGE via e-mail and receives an “invalid e-mail address” error message, the SGE Coordinator must make two more attempts to send the message. If both attempts fail the SGE Coordinator must attempt to contact the SGE via mail and telephone. If the SGE does not respond within 30 days of these attempts, the SGE Coordinator must terminate the SGE’s term of service.
 5. Requested Onsite Participation Data. When an SGE is approved to participate on an onsite evaluation, the SGE Coordinator must enter the information into the Requested Onsite Participation block in the SGE Database as soon as possible.
 6. Removing an SGE from the Active List. If an SGE no longer meets the SGE Qualifications, the SGE Coordinator must immediately enter that day’s date in the Appointment Expiration block of the SGE Database.
- F. Planning and Coordination of Training. The SGE Coordinator is responsible for initiating the planning process for SGE training. The date and location need not be determined prior to the application deadline corresponding to that training session, but must be determined prior to sending the approval notification and invitation to training letter.
1. Networking with VPP Managers. The SGE Coordinator should discuss the timeframes for upcoming training sessions with the VPP Managers and encourage them to host the event or to work with a VPP site in their Region to host the training event.

2. Confirming Regional Training Offers. The SGE Coordinator must officially confirm any SGE training with the Regional Administrator and Assistant Regional Administrator. See Appendix C, page C-8, for the training confirmation memorandum.
3. Coordinating Training with a VPP Site or Regional VPPPA Chapter. If a VPP site or Regional VPPPA chapter offers to host a training, the SGE Coordinator must first discuss the offer with the VPP Manager. The SGE Coordinator must not accept the offer before the VPP Manager determines if this arrangement is acceptable and if the Region will be able to provide the necessary training resources.
4. End of Training. After training has concluded, the SGE Coordinator must send the training host a thank you letter. See Appendix C, page C-9, for the training host thank you letter.
5. Postponement of SGE Training. If less than 15 applications are received by the Application Deadline, training must be postponed until the next quarter. The SGE Coordinator must send the SGE training postponement letter to all of the applicants who have submitted an application within that application period. See Appendix C, page C-10, for the SGE training postponement letter.
6. Deferral of Training by an SGE Applicant. Occasionally, an SGE applicant will be unable to attend the SGE training when it is scheduled, in which case he or she may defer training until the next training session. The SGE Coordinator must consider a deferred application as one received during the current application period. In the event that there are more than 25 applications received during the application period, the original submission date of the deferred application must be used to determine its order in the first-come, first-served training selection criteria.

Appendix A

**Monthly SGE Utilization Report
Sample Report Sheet**

SGE Name	SGE Company and Worksite location	Onsite Company and Worksite Location	Date of Evaluation
John Smith	Company, City, State	Company, City, State	02/05 - 02/09 2000

Appendix B

MEMORANDUM OF UNDERSTANDING

between
THE STATE/COMMONWEALTH OF _____,
DEPARTMENT OF _____
A STATE PLAN STATE
and
THE UNITED STATES DEPARTMENT OF LABOR,
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

SUBJECT: Approval and Exchange of Special Government Employees Serving as Volunteers
Between State Plan States and OSHA

The United States Department of Labor, Occupational Safety and Health Administration (OSHA) understands and agrees that qualified individuals from approved Voluntary Protection Program (VPP) sites in State Plan States may apply and be approved as Special Government Employees (SGEs) through the Federal OSHA approval system to serve as OSHA SGEs for VPP. Once approved, these individuals will be SGEs who are eligible to be assigned as members of VPP onsite review teams in Federal or State Plan States.

Further, the State Plan State understands and agrees that it may establish its own program for recruiting, training, and approving SGEs from VPP sites within the State to serve as members of the VPP onsite review teams within the State.

Alternatively, the State Plan State may request and, within the prescribed intent, scope, policies and procedures of OSHA, use SGEs who have the status of Federal volunteers to serve as members of VPP onsite review teams working within the State. The State/Commonwealth of _____ agrees to protect, defend, indemnify and hold harmless the United States, the Department of Labor, OSHA or any other agency or entity of the United States, and its officers, employees and agents from and against all claims, demands, causes of action, or liability of any kind and character without limit, in any way arising out of the use by said state of individual SGEs while serving as an approved member of a VPP onsite review team in said State. Such claims, demands, causes of action or liabilities shall include, but not be limited to, costs incurred by the United States in providing workers' compensation benefits to such employees for injuries incurred in connection with their OSHA approved participation as a member of a VPP onsite review team in said State.

Signed:

State Designee:

Name: _____ Title: _____ Date: _____

Director, Directorate of Federal-State Operations

Name: _____ Title: _____ Date: _____

Appendix C

Form Correspondence

Application Submission Memorandum

DATE: (DATE)

MEMORANDUM FOR: (NAME)
Office of Personnel

FROM: (NAME) Director
Office of Cooperative Programs

SUBJECT: Quarterly SGE Application Submission

The purpose of this memorandum is to transfer the pending SGE Applications to the Office of Personnel. The following individuals are new applicants:

Dennis M. Francisco	William F. Man	Kevin S. London
Mark A. Port	Keith M. Isle	Don L. Madrid
David W. Claus	Gregory J. Hamburg	

The following individuals are renewing applicants:

David M. Denver	Heather A. Bundt	Brian J. Brazil
Gary E. Chile	Jay H. George	

The training for new applicants is scheduled for (Date/Year). I would like to inform them of their application status by (Date/Year) in order to give them time to make travel arrangements. If you have any questions regarding this information, please contact the SGE Coordinator on 693-2213.

bcc: Chief Division of Voluntary Programs
Director, Office of Cooperative Programs
SGE Coordinator

Notification of Application Receipt and Processing E-mail

[Date]
[Mr./Ms. Name]
[Title]
[Company]
[Address 1]
[Address 2]
[City, State, Zip]

Dear SGE Applicant:

Your application has been transmitted to the OSHA Office of Personnel for processing and approval. When your application has been approved, you will be receiving a letter officially confirming your participation for SGE training. Your SGE training is scheduled for (Day of week and date) through (Day of week and date) in (City/State). Please set aside these dates and begin planning for your travel and lodging so that you will be prepared to attend the training.

If you have any questions regarding your application or the SGE Training course, please feel free to contact me at (202) 693-2213. If you have a scheduling conflict, please contact me immediately.

Sincerely,

[Name]
SGE Coordinator

Approval Notification and Training Invitation Letter

[Date]

[Mr/Ms] [First Name] [Last Name]

[Title]

[Company]

[Address 1]

[Address 2]

[City, State Zip]

Dear [Mr./Ms.] [Last Name].:

The purpose of this letter is to inform you that your application to participate as a Voluntary Protection Program (VPP) SGE has been approved by the OSHA Office of Personnel. The next step in becoming an SGE is to attend and successfully complete SGE training.

An SGE training course is scheduled from (Day/Date) through (Day/Date). The course will be conducted at (Company Name), (Company Address). The training will begin promptly at (Time) and conclude at (Time) each day. Please plan your travel arrangements accordingly. If you have any other questions, please contact (Name), the SGE Coordinator, at (202) 693-2213.

Thank you for your willingness to participate as an OSHA's SGE and we look forward to seeing you at training.

Sincerely,

(Name), Director
Office of Cooperative Programs

cc: Regional Administrator
VPP Regional Manager

Training Certificate Transmittal Memorandum

DATE: (DATE)

MEMORANDUM FOR: (NAME)
Executive Assistant to the Assistant Secretary

FROM: (NAME), Director
Office of Cooperative Programs

SUBJECT: Approval of SGE Training Certificates

The attached are training certificates for (Title, Last Name) signature. These people are attending the Safety and Health Program Assessment training in order to qualify to participate as SGEs. The training session will be conducted (Date) in (City/State). We are hoping to have these signed so that we can present them to the attendees when they have completed the training.

Please contact (Name), the SGE Coordinator on 293-2213 if you have any questions regarding these documents.

Attachments

Appointment Notification Letter

[Date]

[First Name] [Last Name]

[Title]

[Address 1]

[Address 2]

[City, State Zip]

Dear Mr./Ms.[Last Name]:

It gives me great pleasure to inform you that you have been approved as a Voluntary Protection Program (VPP) SGE. Your name has been placed on the list of available SGEs that is provided to OSHA Regional VPP Managers for scheduling onsite evaluations. When a manager needs help conducting an onsite review, that manager will contact you to see if you are available. Additionally, that manager will contact the SGE Coordinator to ensure that no financial conflict of interest exists between you and the site being reviewed.

Before participating in an onsite evaluation, you must be sworn in for your term as an SGE. If you are a new SGE you were probably sworn-in at the end of your training course. However, if you have not been sworn-in, or if you are a renewing SGE, please contact your Regional VPP manager for assistance.

Your term of service began on_____. Please remember that your term of service will expire three years from that date. About four to six months before your term of service expires the SGE Coordinator will send you a re-application package. If you choose to re-apply, please complete the application and return it to the SGE Coordinator before the deadline.

Thank you for your willingness to assist OSHA in reducing injuries and illnesses at American worksites.

Sincerely,

(Name), Director
Office of Cooperative Programs

cc: Regional Administrator
VPP Regional Manager

CEO Thank You Letter

[CEOFNa] [CEOLNam]
[CEOTitle]
[CEOCompany]
[CEOAddress]
[CEOCity] [CEOStat] [CEOZi]

Dear Mr./Ms. [CEOLNam]

I would like to take this opportunity to personally thank you for your support of the Occupational Safety and Health Administration's Voluntary Protection Program (VPP). You and your employees have already proven your commitment to workplace safety and health by participating in OSHA's VPP. Now you have decided to go a step further by encouraging [FirstNam] [LastNam], [Title] at your [City] facility, to serve as an SGE.

SGEs are very important to the success of the VPP. As members of OSHA's VPP onsite review teams, SGEs provide a unique point of view for both the managers and employees of an aspiring VPP worksite. SGEs like [LastNam] bring hands-on experience and cutting-edge solutions to prospective VPP participants and demonstrate that their company, your company, has dedicated itself to implementing a comprehensive and effective safety and health management system.

Through your willingness to dedicate these valuable human resources [CEOCompany] lends credence to the VPP Program as a whole. Not only do SGEs develop an effective working relationship with OSHA personnel, but prospective VPP participants benefit from receiving open and honest feedback from their corporate peers. This level of professional interaction and bench marking is only possible through the labor, management and government cooperation afforded by the Voluntary Protection Program.

By encouraging your employees to serve as SGEs, you help me and my OSHA staff to better protect America's workers. Thank you again for participating in this valuable enterprise.

Sincerely,

John L. Henshaw
Assistant Secretary

cc: **SGE** [FirstNam] [LastNam]

SGE Re-Application Letter

[Date]

[FirstName] [LastName]

[Title]

[Company]

[Address]

[City] [State] [Zip]

Dear [LastName]:

The purpose of this letter is to notify you that your Term of Service as an SGE for VPP will expire on [Date Term Expires]. In order for you to continue participating as an SGE you must complete the enclosed application and return it to my office no later than [Application Deadline].

I would like to thank you for your past participation. Your hands-on skills and commitment to the VPP process make you a valuable addition to a VPP onsite evaluation team and I would encourage you to renew your application for another term.

If you choose to renew your participation, please return your completed SGE application to:

[Name]

SGE Coordinator

Frances Perkins Building, Room N3700

200 Constitution Ave., NW

Washington, DC 20910

Thank you again for your participation. If you have questions about the application forms or the SGE renewal process, please contact (Name) SGE Coordinator at (202) 693-2213.

Sincerely,

(Name), Director

Office of Cooperative Programs

Enclosure

Training Confirmation Letter

[Date]

[Mr/Ms] [First Name] [Last Name]

[Title]

[Company]

[Address 1]

[Address 2]

[City, State Zip]

Dear [First Name]:

Thank you for your generous offer to host the SGE Training scheduled for (Date) in (City). The SGE Coordinator will be responsible for working with you to organize the logistics for this course. If you have any questions, please contact me, (Name), the SGE Coordinator, at (202) 692-2213.

On behalf of everyone here in the National Office, I want to thank you for helping to make OSHA's volunteer activities successful.

Sincerely,

(Name), Director
Office of Cooperative Programs

cc: Regional Administrator
 Assistant Regional Administrator
 VPP Regional Manager

Training Host Thank You Letter

[FirstName] [LastName]

[Title]

[Company]

[Address]

[City] [State] [Zip]

Dear (Name):

I would like to take this opportunity to thank you for hosting the SGE training that was recently held at the (Company), (Date) in (City). Both the trainees and the instructors have commented on your excellent training facility and generous hospitality. I truly appreciate all of your help in making this course a success.

Sincerely,

(Name), Director

Office of Cooperative Programs

cc: Regional Administrator
 Assistant Regional Administrator
 VPP Regional Manager

SGE Training Postponement Letter

[Date]

[Mr/Ms] [First Name] [Last Name]

[Title]

[Company]

[Address 1]

[Address 2]

[City, State Zip]

Dear Mr./Ms.[Last Name]:

The purpose of this letter is to inform you that the SGE training course, tentatively scheduled for (Month) of this year, has been rescheduled for (Month). OSHA policy requires that we have at least fifteen SGE applicants in order to justify the expense of conducting the training course. Unfortunately, we only had _____ applicants apply.

To ensure that you serve a complete three year term of service, your application will be held until the next submission deadline so that your application approval date will coincide with your training and appointment date. We will notify you of when and where the training will be held by the middle of (Month).

I would like to thank you for applying to participate as an SGE and I look forward to your participation in the program.

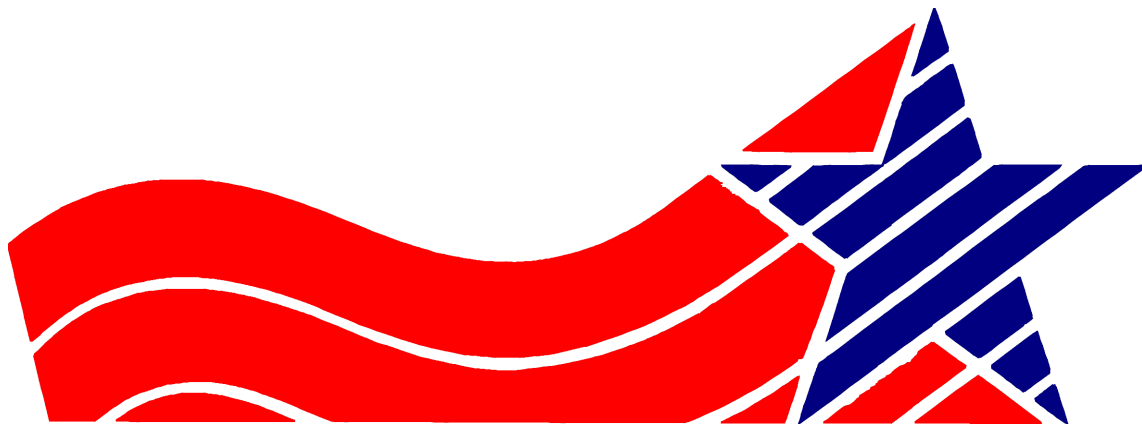
Sincerely,

(Name), Director
Office of Cooperative Programs

Appendix D

SGE Application

Voluntary Protection Programs (VPP) SGE s



*SGE Application
Revised August 2001*



**U.S. Department of Labor
Occupational Safety and Health Administration**

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Qualifications to Participate

All SGE applicants must have the following qualifications:

- Experience in applying OSHA regulations
- Currently hold, or have held within the past two years, a leadership position(s) in the VPP activity at their site
- Positive interpersonal skills
- Sound reading and writing skills
- Physical ability to perform team members' duties
- Management and/or corporate support for participating as an SGE

Safety and Health Professionals must have these additional qualifications:

- Two or more years experience in the safety and health field
- Be employed in a position in which more than 50% of daily duties are dedicated to conducting or managing worksite or corporate safety or health activities
- Be a permanent, full-time employee of a VPP worksite, a current corporate office employee of a corporation that has one or more VPP worksites, or a current employee of a non-VPP worksite who was previously an employee at a VPP worksite within the same corporation

Other SGE applicants must have the following qualifications:

- Two or more years as a permanent, full-time employee of a VPP worksite
- Involvement in at least three (3) of the following activities (or their equivalent):
 - ? Chair of safety/health committee
 - ? Experience working directly with the OSHA VPP onsite review team during the previous onsite review
 - ? Experience training others in safety and health procedures
 - ? Experience writing and reviewing Job Safety Analyses (JSAs) and/or Behavior Job Analyses (BJAs)
 - ? Experience coordinating accident investigations
 - ? Experience coordinating safety and health activities such as wellness days
 - ? Experience leading worksite hazard inspection teams
 - ? Experience coordinating hazard abatement activities
 - ? Other experiences that demonstrate a knowledge of safety and health management systems

Program Information

- SGE applicants must complete and submit an application to participate as an OSHA Volunteer for VPP. Currently serving SGEs must re-apply to participate at the end of their term of service. A renewal application will be sent to each SGE during the application period prior to the expiration of their service.
- Applications to participate as an SGE are processed four times per year. Applications must be received in the Office of Cooperative Programs on or before, January 15, April 15, July 15 or October 15 of each year. If the deadline date falls on a weekend or a Federal holiday, applications are due on the first Federal business day following the applicable deadline date. Late applications are held until the next submission deadline.
- All new applicants must attend training. A new SGE applicant will not be approved to attend training until his/her application has been approved by the OSHA Personnel Office. Successful applicants will be notified by a representative from the Office of Cooperative Programs of the date and location of training.
- All approved applicants must take the Federal oath of office at the beginning of their term of service.
- The term of service for SGEs is three years. SGEs serve at the pleasure of the Assistant Secretary for Occupational Safety and Health. Service is contingent upon the proper ethical conduct of SGEs. The term of service for new SGEs begins the day the oath of office is administered. The term of service for renewing SGEs is calculated from the approval date of their application.
- The Director of Federal-State Operations or his/her designee will disqualify from eligibility those applicants whose employment or financial involvements may present a conflict of interest or the appearance of impropriety.
- The Office of Cooperative Programs Director will terminate an SGE without notice by the Agency upon written notification with a recommendation of termination for any incident in which the SGE was not conducting him/herself in a proper manner.
- As a member of an onsite review team, an SGE may review company documents that describe or verify the worksite's safety and health management system, conduct a walk-through of the worksite to ensure the site's safety and health program is operating effectively; interview company and contract employees to determine their level of involvement in and perceptions of the worksite's safety and health program and assist in the preparation of a report that evaluates the worksite's safety and health program with respect to VPP criteria.

Application Forms

- ? *Application Instructions and Checklist*
- ? *SGE Eligibility Information Sheet*
- ? *Request for Name Check*
- ? *Optional Application for Federal Employment*
- ? *Confidential Financial Disclosure Sheet*
- ? *Waiver of Claims Against the Government*

Form Approved
OMB# 1218-0239

Expiration Date:
10-31-01

Public Reporting burden for this collection of information is voluntary and is estimated to average 18 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden to the Division of

Application Instructions and Checklist

The following forms must be **completed, signed and dated** in order for your application to be processed. This sheet and checklist is for your convenience. If you have any questions regarding the SGE Application, please contact the SGE Coordinator at (202) 693-2213. Please keep a copy of your application for your files and future reference.

- ? Please complete the SGE Eligibility Information Sheet.
- ? Please complete the "Request for Name Check" (DL Form 1-68). Make sure that you complete all the sections on the form except for section two (2), "Bureau." That section may be left blank.
- ? Please complete the "Optional Application for Federal Employment," (Form OF-612) **or** include a copy of your most recently updated resume. Position-specific safety and health experience must be included either on the OF-612 or in your resume. **Failure to include position-specific safety or health experience may result in delays in processing your application or disqualification of your application.** If you use the Form OF-612, please remember to sign and date the form at the bottom of page two. **If you send a resume, you must include your Social Security number.**
- ? Please complete the "Executive Branch Confidential Financial Disclosure Report," (OGE Form 450). **Remember to sign and date the form.** The instructions for completing the form are located directly behind the form in your application packet.
- ? Please sign and date the "Waiver of Claims Against the Government."
- ? Please read "Principles for Ethical Conduct for Government Officers and Employees" and "How to Keep Out of Trouble: A summary of Ethics Rules for DOL Employees."

_____ Eligibility Information Sheet

_____ Request for Name Check (DL Form 1-68)

_____ Optional Application for Federal Employment (Form OF-612) **or** Resume

_____ Confidential Financial Disclosure Report (OGE-450)

_____ Waiver of Claims Against the Government

Please return the above forms to:

SGE Coordinator
Directorate of Federal-State Operations
Frances Perkins Building, Room N 3700
200 Constitution Ave., NW
Washington, DC 20210

SGE Eligibility Information Sheet

SGE Contact Information:

Your Name and Title: _____

Your Company Name: _____

Site Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ E-mail: _____

Professional and Practical Experience: Do you work at an: OSHA VPP Site _____ DOE VPP Site _____

Your worksite's first official VPP approval date: _____ Your starting employment date: _____

Corporate-level SGE applicants, please provide the site name, address and approval date of the VPP site you control.

Based on the "Qualifications to Participate" (Page 3), please check whether you applying as a safety or health professional? Yes ____ No ____

Field(s) of Expertise (mark all that apply): _____ Safety Professional _____ Health Professional

_____ Process Safety Management _____ Ergonomics _____ Other (specify): _____

If you are not applying as a safety or health professional, please list at least three of the required experiences from the "Qualifications to Participate" (Page 3) that you have participated in while working at your present VPP site.

Optional Corporate / Management Contact Information:

If you complete the section below, a letter of appreciation from the Assistant Secretary of OSHA will be sent the person listed after you have successfully completed training and taken the oath of office. Some SGEs choose to have this letter sent to the CEO of their company, while others have the letter sent to their plant manager or immediate supervisor. If you choose to complete this section, you should choose the individual that you believe will best appreciate your individual commitment to Occupational Safety and Health.

Name of CEO / Manager / Supervisor: _____ Title: _____

Corporation: _____

Address: _____

City: _____ State: _____ Zip Code: _____

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT - OF 612

You may apply for most jobs with a resume, this form, or other written format. If your resume or application does not provide all the information requested on this form and in the job vacancy announcement, you may lose consideration for a job.

1	Job title in announcement		2	Grade(s) applying for	3	Announcement number
4	Last name	First and middle names			5	Social Security Number
6	Mailing address				7	Phone numbers (include area code)
	City	State	ZIP Code		Daytime ()	
					Evening ()	

WORK EXPERIENCE

8 Describe your paid and nonpaid work experience related to the job for which you are applying. Do not attach job descriptions.

1) Job title (if Federal, include series and grade)

From (MM/YY)	To (MM/YY)	Salary \$	per	Hours per week
Employer's name and address				Supervisor's name and phone number
Describe your duties and accomplishments				

2) Job title (if Federal, include series and grade)

From (MM/YY)	To (MM/YY)	Salary \$	per	Hours per week
Employer's name and address				Supervisor's name and phone number
Describe your duties and accomplishments				

- 9 May we contact your current supervisor?
YES [] NO [] ►If we need to contact your current supervisor before making an offer, we will contact you first.

EDUCATION

- 10 Mark highest level completed. Some HS [] HS/GED [] Associate [] Bachelor [] Master [] Doctoral []
11 Last high school (HS) or GED school. Give the school's name, city, State, ZIP Code (if known), and year diploma or GED received.

- 12 College and universities attended. Do **not** attach a copy of your transcript unless requested.

	Name	Total Credits Earned		Major(s)	Degree - Year (if any) Received
		Semester	Quarter		
1)	City State ZIP Code				
2)					
3)					

OTHER QUALIFICATIONS

- 13 **Job-related** training courses (give title and year). **Job-related** skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.) **Job-related** certificates and licenses (current only). **Job-related** honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking and performance awards). Give dates but do **not** send documents unless requested.

GENERAL

- 14 Are you a U.S. citizen? YES [] NO [] ►Give the country of your citizenship. _____
- 15 Do you claim veterans' preference? NO [] YES [] ►Mark your claim of 5 or 10 points below.
5 points [] ►Attach your DD 214 or other proof. 10 points [] ►Attach an *Application for 10-point Veterans' Preference* (SF 15) and proof required.
- 16 Were you ever a Federal civilian employee? NO [] YES [] ►For highest civilian grade give:
Series Grade From (MM/YY) To (MM/YY)
- 17 Are you eligible for reinstatement based on career or career-conditional Federal status? NO [] YES [] ►If requested, attach SF 50 proof.

APPLICANT CERTIFICATION

- 18 I **certify** that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I **understand** that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work, and may be punishable by fine or imprisonment. I **understand** that any information I give may be investigated.

SIGNATURE

DATE SIGNED

Request for Name Check**U.S. Department of Labor**Office of Assistant Secretary for
Administration and Management

1. Date

2. Bureau

3. Name of Person (In Full)

Last

First

Middle

4. Other Names or Nicknames Used

5. Sex

6. Date of Birth

7. Place of Birth (City and State)

8. Reason for Request

9. List of Organizations, Associations, Societies or Clubs with which Affiliated
Name

City

State

10. Places of Residence
Dates

Street

City

State

11. Employments
Dates

Street

City

State

This space reserved for investigative agency.

This is a request for a name check only and is not a request for an investigation.

DL Form 1-68
(Rev. 8/83)

Page Number

Employee's Name (<i>Last, first, middle initial</i>)		Position/Title		Grade		Reporting Status: <input type="checkbox"/> New entrant <input type="checkbox"/> Annual	
Agency		Branch/Unit and Address		Work Phone		If New Entrant, Date of Appointment	
Check box if special Government employee (SGE)	<input type="checkbox"/>	If an SGE, Home Address (<i>Number, Street, City, State and ZIP Code</i>)					
<i>I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.</i>		Signature of Employee				Date	

[illegible]

None

7

Assets and Income Sources <i>(Identify specific employer, business, stock, bond, mutual fund, type/location of real estate, etc.)</i>		(X) if no longer held	Nature of Income over \$200 <i>(Rent, interest, dividends, capital gains, salary, etc.)</i>	Date <i>(Only for honoraria)</i>
Examples	Rental Condo, Anchorage, Alaska		Rent	
	Dee, Jones & Smith, Hometown, USA	X	Salary	

Identify for you, your spouse, and dependent children: 1) assets with a fair market value greater than \$1,000 at the close of the reporting period or producing income over \$200; and 2) sources of earned income such as salaries, fees, honoraria (other than U.S. Government salary or retirement benefits, such as the Thrift Savings Plan) which generated over \$200 in income during the reporting period. Earned income sources of your spouse must be reported if greater than \$1,000 (greater than \$200 for honoraria). No earned income needs to be reported for dependent children.

Assets include (but are not limited to): stocks, bonds, tax shelters, real estate, mutual funds, pensions, annuities, IRAs, trusts, commodity futures, trades and businesses, and partnership interests.

Exclude your personal residence, unless you rent it out, and deposit accounts in financial institutions. See instructions for additional exclusions.

Use copies of blank pages for continuation

Authorized for local reproduction

	(S) Alexandria Medical Clinic, Alexandria, VA		Salary	
	Franklin Equity Mutual Fund		Dividends/Capital Gains	
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

OGE Form 450, 5 CFR Part 2634, Subpart I
U.S. Office of Government Ethics (4/99)

Page
Number

Employee's Name (Last, first, middle initial)

Work Phone

Part II: Liabilities

None ~~Report~~ **for you, your spouse, and dependent children** liabilities over \$10,000 owed at any time during the reporting period (over \$10,000 at the end of the period if revolving charge accounts.) Exclude a mortgage on your personal residence unless it is rented out; loans for autos, household furniture or appliances; and liabilities owed to certain family members (see instructions).

	Creditors (Name and address)		Type of Liability (Mortgage, promissory note, etc.)
	Example	First Alaska Bank, Anchorage, Alaska	Mortgage on rental property in Anchorage, AK
1			
2			
3			

Part III: Outside Positions

None
Report any positions, whether or not compensated, which you held outside the U.S. Government during the reporting period. Positions include (but are not limited to) an employee, officer, director, trustee, general partner, proprietor, representative, executor, or consultant for a business, nonprofit or labor organization, or educational institution. Exclude positions with religious, social, fraternal, or political entities or those solely of an honorary nature. You need not report any positions of your spouse or dependent children.

	Organization (Name and address)		Type of Organization	Position	(X) If no longer
	Example	Dee, Jones & Smith, Hometown, USA	Law Firm	Associate	X
1. If you held positions, or 2. If you held positions, or 3. If you held positions, or 4. If you held positions, or 5. If you held positions, or 6. If you held positions, or 7. If you held positions, or 8. If you held positions, or 9. If you held positions, or 10. If you held positions, or 11. If you held positions, or 12. If you held positions, or 13. If you held positions, or 14. If you held positions, or 15. If you held positions, or 16. If you held positions, or 17. If you held positions, or 18. If you held positions, or 19. If you held positions, or 20. If you held positions, or 21. If you held positions, or 22. If you held positions, or 23. If you held positions, or 24. If you held positions, or 25. If you held positions, or 26. If you held positions, or 27. If you held positions, or 28. If you held positions, or 29. If you held positions, or 30. If you held positions, or 31. If you held positions, or 32. If you held positions, or 33. If you held positions, or 34. 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Part IV: Agreements or Arrangements None Report your agreements or arrangements for current or future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan. You need not report agreements or arrangements of your spouse or dependent children.		Terms of Any Agreement or Arrangement		Parties	Date
	Example	Will receive retained benefits (independently managed, fully funded, defined contribution plan)		Dee, Jones & Smith, Hometown, USA	2/99
	1				
	2				
	3				

Part V: Gifts & Travel Reimbursement Do not complete this part if you are a new entrant or Special Government employee.		Source	Description <i>(For travel-related items, include itinerary)</i>	Date
		Example	Dee, Jones & Smith, Hometown, USA	Leather briefcase as a departing gift
None <u>Report for you, your spouse, and dependent children</u> gifts or travel reimbursements you have recieved from one source totaling more than \$260. <u>Exclude</u> anything valued at \$104 or less; anything received by your spouse or dependent child totally independent of their relation-ship to you; anything from a relative or from the U.S. Government; anything given to your agency in connection with your official travel; and food, lodging, or entertainment received as personal hospitality at the donor's residence or premises.		1		
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		4		

**INSTRUCTIONS FOR OGE FORM 450,
CONFIDENTIAL FINANCIAL
DISCLOSURE REPORT**

A. Why You Must File

This report is a safeguard for you as well as the Government. It provides a mechanism for determining actual or potential conflicts between your public responsibilities and your private interests and activities. This allows you and your agency to fashion appropriate protections against such conflicts.

B. Who Must File

Agencies are required to designate positions at or below GS-15, O-6, or comparable pay rates , in which the nature of duties may involve a potential conflict of interest. Examples include contracting, procurement, administering, grants and licenses, regulating/auditing non-Federal entities, other activities having a substantial economic effect on non-Federal entities, or law enforcement.

All special Government employees (SGEs) must file, unless exempted by their agency or subject to the public reporting system, Agencies may also require certain employees in positions above GS-15, O-6, or comparable pay rate to file.

C. When to File

New entrant reports: Due within 30 days of assuming a position designated for filing, unless your agency requests the report earlier. No report is required if you left another filing position within 30 days prior to assuming the new position. (SGEs must file new reports upon each reappointment or re-designation, at the time specified by the agency.)

Annual reports: Due not later than October 31, unless extended by your agency.

D. Reporting Periods

New entrant reports: The reporting period is the preceding twelve months from the date of filing.

Annual reports: The reporting period covers October 1 through September 30 (or that portion not covered by a new entrant report). However, no report is required if you performed the duties of your position for less than 61 days during that twelve-month period. (All reappointed or re-designated SGEs file reports, regardless of the number of days worked.)

E. Where to File

With ethics officials at the agency in which you serve or will serve, or in accordance with their procedures.

F. Definitions

Dependent Child- means your son, daughter, stepson, or stepdaughter if such person is either:

- (1) unmarried, under age 21, and living in your household; or
- (2) a “dependent” of yours for Federal income tax purposes. See 26 U.S.C. 152.

Honoraria-means payments (direct or indirect) of money or anything of value to you or your spouse for an appearance, speech, or article, excluding necessary travel expenses. Also included are payments to charities in lieu of honoraria.

Special Government Employee (SGE)- is defined in 18 U.S.C. 202(a) as: an officer or employee of an agency who performs temporary duties, with or without compensation, for not more than 130 days in a period of 365 days, either on full-time or intermittent basis.

G. General Instructions

1. Filers must provide sufficient information about outside interests and activities so that ethics officials can make an informed judgement as to compliance with applicable conflict of interest laws and standards of conduct regulations.
2. This form consists of five parts, which require identification of certain specific financial interests and activities. NO DISCLOSURE OF AMOUNTS OR VALUES IS REQUIRED. You must complete each part (except as indicated for Part V) and sign the report. If you have no information to report in any part or do not meet the threshold values for reporting, check the "None" box. New entrants and SGEs are not required to complete Part V.
3. You must include information applicable to yourself, your spouse, and dependent children on Parts I, II and V. This is required because their financial interests are attributed to you under ethics rules in determining conflicts of interest. Information about your spouse is not required in the case of divorce, permanent separation, or temporary separation with the intention of terminating the marriage or permanently separating. Parts III and IV require disclosures about yourself only.
4. You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.

Part I: Assets & Income

Assets:

1. Report all assets held for investment or for the production of income by **you, your spouse, and dependent children**, with a value greater than \$1,000 at the end of the reporting period which produced more than \$200 in income during the reporting.

Salary and Earned Income:

1. **For yourself:** report all sources of salary and earned income greater the \$200 during the reporting period.
2. **For you spouse:** report all sources of salary and earned income if greater than \$1,000 (for honoraria, if greater than \$200).
3. **For dependent children:** no earned income needs to be reported.

Examples of Assests:

Stocks, Bonds, Tax Shelters, Investment Real Estate Pensions, Mutual Funds, IRA/401(k) Holdings, Annuities, Commodity Futures, Trust Holdings, Partnership Interests, Trades & Businesses, Collectibles held for Investment, Investment Life Insurance

Examples of Income:

Investment Income, Earned/Other Income, Dividends, Fees, Rents and Royalties, Salaries, Interest, Commissions, Capital Gains, Retirement Benefits, Honoraria

Notes:

1. For **pensions**, you will ordinarily just need to indicate the name of the sponsoring employer. However, if you have control over the specific investment assests held in your pension account (it is not independently managed), you must also list those underlying investments or attach an account statement that lists them
2. For publicly available **mutual funds**, you are only required to indicate the name of the fund, not the investments that the mutual fund holds in its portfolio. You must, however, always indicate the full name of the specific mutual fund in which you hold shares, not just the general family fund name.
3. For other publicly available investment funds, such a publicly offered units of **limited partnerships**, the disclosure requirements are the same as for mutual funds-- list the full name of the limited partnership, but not its underlying portfolio investments.
4. For a **privately held trade or business**, report its name, location, and description of activity.

Do Not Report:

1. Your personal residence, unless you rent it out;
2. Federal Government salary or retirement benefits such as the Thrift Savings Plan;
3. Social Security benefits;
4. Money owed to you , your spouse, or dependent child by a spouse, parent, sibling or child;
5. Accounts including certificates of deposit, savings accounts, interest-bearing checking accounts, or any other forms of deposit in a bank, savings and loan association, credit union or similar financial institution;
6. Money market mutual funds and money market accounts;
7. U.S. Government obligations (including Treasury bonds, bills, notes and savings bonds);
8. Government securities issued by U.S. Government agencies or Government-sponsored corporations, such as TVA, GNMA, FNMA; and
9. The underlying holdings of a trust that: 1) was not created by you, your spouse, or dependent children, **and** 2) the holding or spouses of income of which you , your spouse, and dependent children have no past or present knowledge. An example is a trust created by a relative, from which you receive periodic income but have no knowledge about its assets. Just identify the trust by name and date of creation.

Part II: Liabilities

Report for Yourself, Spouse, and Department Children:

1. Liabilities over \$10,000 owed to any creditor at any time during the reporting period.

Do Not Report:

1. Mortgages on your personal residence unless you rent it out;
2. Personal liabilities owed to a spouse, or the parent, sibling, or child of you, your spouse, or dependent child;
3. Loans for personal automobiles, household furnishings, or appliances, where the loan does not exceed the purchase price; and
4. Revolving charge accounts where the outstanding liability does not exceed \$10,000 at the end of the reporting period.

Part III: Outside Positions

Report for Yourself:

1. All positions outside the U.S. Government held at any time during the reporting period (including positions no longer held), whether or not paid.

Positions include an officer, director, trustee, general partner, proprietor, representative, executor, employee, or consultant of any of the following:

1. A corporation, company, firm, partnership, trust, or other business enterprise;
2. A non-profit organization;
3. A labor organization; and
4. An educational or other institution outside the Federal Government.

Do Not Report:

1. Positions held in any religious, social, fraternal, or political entry;
2. Positions solely of an honorary nature; and
3. Positions held by a spouse or dependent child.

Part IV: Agreements or Arrangements

Report Your Agreements or Arrangements for:

1. Current or future employment;
2. A leave of absence from private or other non-Federal employment;
3. Continuation of payment by a former employer other than the Federal Government (including severance payments); and
4. Continuing participation in an employee pension or benefit plan maintained by a former employer other than the Federal Government.

Do Not Report:

1. A spouse or dependent child's agreements or arrangements.

**Part V: Gifts and Travel
Reimbursements**

Note: Part V is not applicable to new entrants and SGEs.

Report for You, Your Spouse, and Dependent Children:

1. Travel-related cash reimbursements received from one source during the reporting period totaling more than \$260.
2. Any other gifts totaling more than \$260 from any one source. A "gift" is defined as anything of value, unless you give something of equal or greater value to the donor. This includes tangible items and in-kind transportation, food, lodging, and entertainment.

Note: Gifts or reimbursements valued at \$104 or less need not be included in determining the over \$260 reporting threshold.

Do Not Report:

1. Anything received from relatives, the U.S. Government, D.C., State, or local governments;
 2. Bequests and other forms of inheritance;
 3. Gifts and travel reimbursements given to your agency in connection with your official travel;
 4. Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and
 5. Gifts or reimbursements received by a spouse or dependent child totally independent of the relationship to the filer(*Example: a spouse's reimbursement in connection with private employment*).
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Privacy Act Statement

Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674, and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of the information on this report may be made: (1) to a Federal, State or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation;(2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena;(3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections;(5) to the Office of Management and Budget during legislative coordination on private relief legislation; and (6) in response to a request for discovery or for the appearance of a witness in a judicial or administrative proceeding, if the information is relevant to the subject matter. This confidential report will not be disclosed to any requesting person unless authorized by law. See also the OGE/GOVT-2 executive branchwide Privacy Act. System of records.

Penalties

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.

Public Burden Information

This collection of information is estimated to take an average of one and a half hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Associate Director for Administration, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917. Do not send your completed OGE Form 450 to this address. See Section E for where to file.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0006, is displayed here and in the upper right-hand corner of the first page of this OGE Form 450).

Mere disclosure of the required information does not authorize holdings, income, liabilities, affiliations, positions, gifts, or reimbursements which are otherwise prohibited by law, Executive order, or regulation.

If you need assistance in completing this form, contact the ethics officials in the agency in which you serve or will serve.

Waiver of Claims Against the Government

I hereby waive any and all claims against the United States Government or the State in which I perform services. I also waive any compensation on account of my services as an OSHA SGE for VPP rendered in connection with an onsite evaluation of an applicant to OSHA's VPP Program or a State Plan State's VPP Program.

SIGNATURE

DATE

Ethics Documents

- ? *Principles of Ethical Conduct for Government Officers and Employees*
- ? *How to Keep Out of Trouble: A Summary of Ethics Rules for DOL Employees*

Principles of Ethical Conduct for Government Officers and Employees

Executive Order 12674 of April 12, 1989 (as modified by E. O. 12731)

By virtue of the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish fair and exacting standards of ethical conduct for all executive branch employees, it is hereby ordered as follows:

Part I-Principles of Ethical Conduct

Section 101. *Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:*

- a.) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- b.) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- c.) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- d.) An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- e.) Employees shall put forth honest effort in the performance of their duties.
- f.) Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.
- g.) Employees shall not use public office for private gain.
- h.) Employees shall act impartially and not give preferential treatment to any private organization or individual.
- i.) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- j.) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- k.) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- l.) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as Federal, State, or local taxes that are imposed by law.

m.) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

n.) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

Section 102. *Limitations on Outside Earned Income.*

a.) No employee who is appointed by the President to a full-time noncareer position in the executive branch (including the full-time noncareer employees in the White House Office, the Office of Policy Development, and the Office of Cabinet Affairs), shall receive any earned income for any outside employment or activity performed during the Presidential appointment.

b.) The prohibition set forth in subsection a.) shall not apply to any full-time noncareer employees employed pursuant to 3 U.S.C. 105 and 3 U.S.C. 107(a) at salaries below the minimum rate of basic pay than paid for GS-9 of the General Schedule. Any outside employment must comply with relevant agency standards of conduct, including any requirements for approval of outside employment.

HOW TO KEEP OUT OF TROUBLE:

A SUMMARY OF ETHICS RULES FOR DOL EMPLOYEES¹

Introduction

The purpose of this summary is to briefly describe a number of ethics rules which are applicable to all DOL employees. It also covers several related matters which may arise while you are an employee at the Department.

The world of ethics is a very complex one. The purpose of this mini-guide is to help you recognize some potential trouble spots that may arise during your service with the Department. This guide should not be regarded by you as definitive or comprehensive. The resolution of many problems often depends on the specific facts involved. That is why you are encouraged to seek the advice of an ethics counselor when the situations described in this guide arise.

The legal bases for the requirements described in this guide are numerous and varied. Many of the requirements are statutory, and persons who violate them are subject to criminal penalties which may include removal from Federal office, fines, and imprisonment. Others are contained in Executive orders, such as the Executive order signed by President Clinton on post-employment lobbying. Still others are the subject of government-wide regulations issued by the U.S. Office of Government Ethics (OGE). These OGE regulations set forth the basic code of conduct for all Federal employees and are a starting point for resolving many ethics-related questions. All employees are given copies of these regulations and are obligated to be familiar with their provisions. The Department of Labor also has its own regulations and internal policies for a number of the areas described in this summary.

Awareness of Ethics Requirements. There are several ways to ensure that you are fully aware of your responsibilities in this area. First, you should review the government-wide ethics regulations at an early point in your tenure and attend ethics training when it is required. Most employees receive ethics training shortly after their arrival on duty at the Department. Additionally, if you are required to file a public financial disclosure report you are required to receive a "live" briefing on an annual basis. Employees required to file a confidential financial disclosure report are required to attend a "live" ethics briefing every three years. The Department will also provide written ethics materials to confidential financial disclosure filers during the years that "live" attendance is not required. [Note: Your personnel office will notify you as to whether you are required to file a public or confidential financial disclosure report.]

In addition, ethics training may also be provided upon the request of an office. Finally, you are strongly encouraged to ask questions whenever you have questions about ethics-related matters. Especially in this area, "preventive medicine" is the best course of action to avoid embarrassment to the you, the Secretary, and the Department. Advice in the areas described in this memorandum can be obtained from the Office of the Solicitor. If you have any questions, please call David J. Apol, the Counsel for Ethics, Robin Evans, or Paula Lincoln, in the Solicitor's office, at (202) 219-8065.

“Warranties and Limitations” This document is designed to be a basic, "user-friendly" guide to ethics. It is not an independent regulation, and does not supersede any of the legal authorities described above. Hopefully, this guide will be a useful starting point to recognizing and dealing with potential pitfalls.

Gifts

¹Prepared by the Department of Labor, Office of the Solicitor, January 1999.

Employees cannot accept gifts given to them because of their official position or from "prohibited sources." "Gifts" include free meals, admission to events, and travel, as well as tangible gifts. The term "prohibited source" means any organization or person employed by an organization which:

- is seeking official action by the employee's agency;
- does business or seeks to do business with the employee's agency;
- conducts activities regulated by the employee's agency; OR
- has interests that may be substantially affected by the performance or non-performance of an employee's official duties.

Due to the fact that Department of Labor programs are so far reaching, this term includes almost every business entity. Through OSHA, Wage-Hour, OFCCP, ERISA, MSHA, and other enforcement programs, the Department regulates virtually every employer in the country. The Department of Labor's supplemental regulations define who is an employee's "agency". For some employees, their agency is all of DOL. For employees in OSHA, MSHA, BLS, ETA, and ESA, their agency is defined to be the DOL component where they work. This concept will be covered further in the "live" ethics training you will receive.

As a Department of Labor employee, you should remember that even the appearance of favoritism or impropriety can cause embarrassment to both you and the Department. Such an appearance can be created where a gift is accepted even if acceptance does not affect how you perform your official duties.

There are exceptions to the gift prohibition. These generally allow an employee to accept:

- any unsolicited non-cash gift that does not exceed \$20 in market value on any one occasion, and not more than an aggregate amount of \$50 per year from any one source,
- gifts clearly based on a personal relationship,
- free admission to (including food at) events at which you are speaking or to "widely attended gatherings" when it is determined to be in your agency's interest for you to attend,
- gifts based on outside business or employment relationships, and
- commercial discounts available to a wide class of people.

Gifts to supervisors are regulated as well. Most gifts to supervisors are prohibited. You may, however, exchange greeting cards with supervisors and subordinates. You may also, in general, give to your superiors or accept from your subordinates occasional gifts on appropriate occasions costing less than \$10, and food to be shared within your office or in a personal residence. Also, appropriate voluntary gifts (even if they exceed \$10) may be given or accepted on infrequently occurring events, such as marriage, illness, the birth of a child, or retirement.

Travel and Related Expenses

As a general rule, the travel and related expenses associated with the exercise of your official duties should be paid for by appropriated funds. However, in certain limited and exceptional circumstances, an agency head or the Deputy Secretary may authorize acceptance of travel and related expenses if an unsolicited offer is received from certain types of organizations.

An Assistant Secretary or other head of a DOL agency may authorize approval of acceptance of travel and related expenses under the Government Employees Training Act. This authority allows the agency head to approve acceptance of certain expenses incident to attendance at training sessions or meetings. Approval may only be given to accept expenses from nonprofit and tax-exempt ["501(c)(3)"] organizations and expenses paid from the treasury of a state, county, or municipality. Agency heads may not approve acceptance of these expenses where approval would create the appearance of favoritism or undue influence or if it would be otherwise unethical or improper to do so.

Additionally, the Assistant Secretary for Administration and Management may approve the acceptance, by an agency

head, of travel and related expenses from 501(c)(3) organizations, government entities, and foreign entities so that an agency employee may attend a meeting or similar function. Official approval must be given in advance of the trip; accordingly, any such request should be made well in advance of the travel.

Conflicting Financial Interests

A criminal statute prohibits your personal and substantial participation, in an official capacity, in any particular matter which, to your knowledge, will have a direct and predictable effect on your financial interests, or those of your spouse, minor children, general partner, or an organization for which you serve as a employee, director, or partner.

A "particular matter" does not necessarily have to involve specific parties. It can include rulemaking or a policy matter which affects a clearly identifiable class of people, as well as a specific investigation or enforcement action. Thus, you should seek the advice of an ethics counselor if your position requires you to take actions on matters affecting a specific company if you own stock in the company affected, or affecting a specific industry if you own stock in a company within the industry affected. The counselor can provide assistance to you in divesting a conflicting financial interest, arranging your disqualification from participating in the particular matter, or requesting a waiver to allow your participation. Office of Government Ethics regulations exempt certain small stock holdings (under \$5,000) and holdings in diversified mutual funds from these requirements.

Seeking Other Employment

You are prohibited from taking official action affecting the financial interests of any organization or individual with whom you are seeking or negotiating employment or with whom you have any arrangement concerning prospective employment. For example, if you are approached about possible future employment with a company which you affect in the performance of your official duties, you must unconditionally terminate all discussions of possible employment and reject the possibility of employment prior to any further involvement in the matter. If you wish to explore the possibility of future employment with such a company, you should discuss the matter with your supervisor so that other options can be considered. These might include disqualification from further participation in the assignment or an appropriate waiver under the conflict-of-interest laws or ethics regulations. If you are involved in selecting a contractor and are approached about future employment by one of the potential contractors, special rules apply. Therefore, you should immediately contact the Solicitor's office for additional guidance.

Impartiality in Performing Official Duties

In addition to the restrictions subjecting you to criminal sanctions in the previous two sections, you are responsible for avoiding situations in which your actions may create the appearance of impropriety. Taking action on a matter could create an appearance of impropriety even if it does not affect your financial interest or that of your spouse, dependent child, or a company which employs you or from which you seek employment. Your actions could create an appearance of impropriety if, for example, you were involved in a "particular matter involving specific parties" (e.g., a case, investigation, adjudication, or administrative ruling) which will affect the financial interest of:

- any organization or person with whom you have or are seeking a business or other financial relationship;
 - any member of your household or a relative with whom you have a close personal relationship;
 - those with whom your spouse, parent, or dependent child has or is seeking to establish certain employment or business relationships;
 - any person with whom you have been employed or have had certain business relationships in the past year;
- OR
- any organization, other than a political party, in which you are actively involved.

The key test for determining if participation in a particular matter creates the appearance of impropriety is whether in your judgment, reasonable persons with knowledge of the relevant facts would question your impartiality in the matter. If you believe that your actions would be questioned, you should not participate in the matter without proper

authorization. The Office of the Solicitor should be consulted for advice in such instances.

Misuse of Position; Sponsorship and Co-Sponsorship of Outside Organizations

You are prohibited from using public office for your own private gain or the private gain of another. Therefore, you should generally not endorse any product, service, organization, or enterprise in an official capacity. A frequent question that arises is whether the Department can co-sponsor conferences and other events with non-governmental entities. However meritorious these events or organizations may be, Department employees must be very cautious about lending the Department's name or seal to them and should consult with the Office of the Solicitor to make sure the relationship does not violate any law or policy.

Similarly, you may not engage in fund-raising in your official capacity unless such action is specifically authorized as in the case of the Combined Federal Campaign. Moreover, you should not allow your official title to be used for private fund-raising activities. Finally, you should not personally solicit from people or organizations you know to be regulated by or are seeking action from your DOL component, or that have an interest in your official duties. Employees of certain DOL components may solicit from people regulated by their component so long as the person or organization is not being investigated by, or has a matter pending before, their component.

Ethics rules severely restrict the use of non-public information to further an employee's own or another person's private interests. Disclosure of non- public information related to government contracts or trade secrets can also result in criminal penalties. "Non-public information" is information that the employee gains by reason of his or her Federal employment and that the employee knows, or reasonably should know, has not been made available to the general public.

Outside Activities

Outside activities may create conflicts of interest where your official responsibilities have an impact on organizations with which you are involved. This is especially true when you are an officer, director, trustee, or an employee of an outside organization. Additionally, you must take special care to avoid the appearance that your involvement implies Department of Labor endorsement of a group or organization. Additionally, the criminal conflict-of-interest statute, with very limited exceptions, prohibits you from engaging in representational activities on behalf of any individual before the United States government. Consequently, outside of your official duties, in general, you should not call or write any Federal official on behalf of any individual or organization. You should refrain from contacting any Federal agency on behalf of a friend, neighbor, business associate or others to assist in making a claim or otherwise advocating a matter before that agency.

With certain very limited exceptions, Presidential appointees cannot receive any income for outside activities during their term of office. In addition, all non-career employees earning more than the GS-15 rate (this includes all non-career SES employees) may not, in any calendar year, receive outside earned income which exceeds fifteen percent of the Level II Executive Schedule salary. Additionally, such employees may not receive any compensation for practicing a profession involving a fiduciary duty (e.g., accounting, law, or real estate), receive compensation for affiliating with a firm which provides such services, receive compensation for serving on a board of directors or as an officer of any organization, or receive compensation for teaching without prior agency approval.

Participation in Events Sponsored by For-Profit Organizations

Department of Labor policy generally prohibits all employees, in their official capacities, from speaking to or otherwise participating in events sponsored by private, for-profit organizations. The concern is that such events may be used by the organizations for client-building, client-retention, or other profit-making purposes. Exceptions to this policy may be made on a case-by-case basis by the agency head, with the concurrence of the Deputy Secretary, when there will be some unusual benefit to the agency by virtue of its participation.

This policy does not prohibit Department employees from attending and participating in internal meetings of a company, firm, or organization when attendance is limited to employees, officers, or partners of that entity. It also does not prohibit official participation in events sponsored or co-sponsored by governmental entities, or by private non-profit organizations such as professional associations, business leagues, and labor organizations.

Speaking, Teaching and Writing

An employee, regardless of level, cannot accept compensation from any source other than the Government for teaching, speaking, or writing that relates to the employee's official duties. There is an exception for teaching requiring repeated appearances as part of the regularly established curriculum at a college, secondary or elementary school. As stated in a previous section, Presidential appointees may not receive any outside income.

Financial Disclosure Reports and Mandatory Annual Ethics Training

All Presidential appointees, all career and non-career Senior Executive Service employees, all career and non-career employees paid above the GS-15 rate, and most Schedule C employees are required to file public financial disclosure reports (SF-278's) within thirty days of entering a covered position. Reports must also be filed annually on May 15 and within thirty days of terminating employment. Failure to file any of these reports in a timely fashion will subject you personally to a \$200 late filing fee. These financial disclosure reports are available for inspection when a written request is made by any individual or organization.

In addition, employees subject to the public filing requirement must receive at least one hour of ethics training each calendar year. Although you should be notified by your agency's servicing personnel office when you are required to file and when annual training will be offered, it is your responsibility to comply with the filing and training requirements.

Additionally, each agency within the Department has designated certain positions at or below the GS-15 level for coverage under a corresponding system of confidential financial disclosure reports (OGE-450's) for career employees and certain "special government employees." If your position has been so designated, you must file a confidential report within 30 days of your employment and by October 31 each year thereafter. Your personnel office should inform you if you are in a designated position. Also, all employees subject to the confidential filing requirement are required to receive at least one hour of "live" ethics training once every three years. Written ethics materials will also be provided to confidential financial disclosure filers during the years that "live" attendance is not required.

Post-Employment Restrictions: The "Ethics Pledge"

There are a number of post-employment restrictions placed on all employees when they leave governmental service. Additional restrictions are placed on "senior officials" of the government and on employees involved in the contracting process. Departing employees should make sure that they learn of these restrictions before they leave the government because violations can result in criminal penalties.

In addition, President Clinton has issued an Executive order which prohibits non-career senior employees from lobbying any officer or employee of his or her former agency for five years after leaving government. "Senior employees" are all those employees paid pursuant to the Executive Schedule, those paid at SES level 5 or 6, and those on other pay schedules whose base salary equals or exceeds the base salary for SES level 5.

Political Activity

The Hatch Act, as amended, allows most employees (other than career SES employees), to actively participate in

partisan campaigns. However, employees must do so on their own time and without using government resources or their government title. All employees are still prohibited from being a candidate for a partisan office or from fund-raising for a party or partisan candidate. Additionally, criminal statutes prohibit any Federal employee from using their official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate.

The Anti-Lobbying Act

Federal law prohibits any appropriated funds from being used for "grass roots" lobbying activities. In addition, an appropriation rider prohibits use of DOL funds for publicity or propaganda purposes designed to support or defeat legislation before the Congress. These laws have been construed as permitting agencies to inform the Congress of the Administration's position on matters before the Congress and otherwise responding to oversight requests. Additionally, these restrictions do not prohibit the Department from informing the public about a pending legislation affecting the Department or even expressing the Department's view on pending legislation. However, they do prohibit the Department from engaging in or promoting grass roots lobbying. That is, the Department may not contact outside individuals or organizations for the purpose of encouraging them to contact legislators to advocate views on legislative matters. In addition, the Department may not use its resources to assist a private lobbying effort.

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